

# DOCKETED

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

FILED

ET 607 37 71 11 02

THE MAGNAVOX COMPANY, ET AL., )

Plaintiffs, )

v. )

BALLY MANUFACTURING CORPORATION, )  
ET AL., )

Defendants. )

CONSOLIDATED  
CIVIL ACTION NOS.

74 C 1030

74 C 2510

AMENDED NOTICE OF DEPOSITION

To: Theodore W. Anderson, Esq.  
Neuman, Williams, Anderson  
& Olson  
77 West Washington Street  
Chicago, Illinois 60602

Melvin M. Goldenberg, Esq.  
McDougall, Hersh & Scott  
135 South LaSalle Street  
Chicago, Illinois 60603

Edward C. Threedy, Esq.  
Threedy & Threedy  
111 West Washington Street  
Chicago, Illinois 60602

PLEASE TAKE NOTICE that, at 10:00 a.m., on the 19th day of November, 1975, at the Holiday Inn at the Amoskeag Bridge exit from Highway I-93 in Manchester, New Hampshire, defendants Bally Manufacturing Corporation, Midway Mfg. Co. and Empire Distributing, Inc. will take the depositions of the following employees of plaintiff Sanders Associates, Inc., Nashua, New Hampshire, pursuant to the Federal Rules of Civil Procedure:

Ralph H. Baer  
Sanders Associates, Inc.  
Merrimack, New Hampshire

David E. Batchelder  
Sanders Associates, Inc.  
Nashua, New Hampshire

H. C. Chapman  
Sanders Associates, Inc.  
Daniel Webster Highway, South  
Nashua, New Hampshire

Daniel C. Chisholm  
Sanders Associates, Inc.  
Daniel Webster Highway, South  
Nashua, New Hampshire

Louis Etlinger  
Sanders Associates, Inc.  
Daniel Webster Highway, South  
Nashua, New Hampshire

William L. Harrison  
Sanders Associates, Inc.  
95 Canal Street  
Nashua, New Hampshire

John A. Melrose  
Sanders Associates, Inc.  
Daniel Webster Highway, South  
Nashua, New Hampshire

William T. Rusch  
Sanders Associates, Inc.  
Simon Street  
Nashua, New Hampshire

John Sauter  
Sanders Associates, Inc.  
Nashua, New Hampshire

Richard I. Seligman  
Sanders Associates, Inc.  
Daniel Webster Highway, South  
Nashua, New Hampshire

William Stapanishen  
Sanders Associates, Inc.  
Nashua, New Hampshire

The depositions will be upon oral examination before a Notary Public or other officer authorized by law to administer oaths and will continue from day to day until completed.

A subpoena duces tecum is to be served on each of the parties to be deposed. The designation of the material to be produced as stated in the subpoena is set forth in Attachment A hereto.

This Notice modifies and supersedes the Notice of Depositions dated October 22, 1975 noticing depositions for November 17, 1975.



Robert K. Schumacher  
Donald L. Welsh  
A. Sidney Katz  
Fitch, Even, Tabin & Luedeka  
135 South LaSalle Street  
Chicago, Illinois 60603  
(312) 372-7842

Attorneys for Defendants Bally Manufacturing Corporation, Midway Mfg. Co. and Empire Distributing, Inc.

October 29, 1975

ATTACHMENT A

All documents and things\* constituting or referring or relating to:

(1) The assignment of rights in the alleged inventions of Sanders' patents\*\* from the named inventor(s) and/or negotiations relating thereto.

(2) The licensing or sale by the inventor(s) or either plaintiff of rights in the alleged inventions of said patents\*\* and/or negotiations relating thereto.

(3) Communications between plaintiff Magnavox and plaintiff Sanders relating to:

(a) Any business arrangement or agreement between them involving the alleged

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\* N.B. The term "documents and things" includes but is not limited to circuit diagrams, computer programs, computer program listings, magnetic tapes, punched paper tapes, other storage media, flow charts, block diagrams, photographs, drawings, manuals, instructions, contracts, correspondence, communications and records of communications, brochures, information sheets, logic diagrams, wiring diagrams, articles in periodicals, memoranda, and notes. The documents and things listed in this Attachment A include all of the documents and things produced by plaintiff Sanders Associates, Inc., in this action pursuant to DEFENDANT MIDWAY'S REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS FROM PLAINTIFFS filed July 8, 1975 and originals and copies thereof in the custody of or under the control of the witness, and in particular include undeleted versions of documents previously produced with material deleted.

\*\* In the categories of documents listed the term "Sanders' patents", "patents", or "said patents" refers to U.S. Patents 3,659,284; 3,659,285; 3,728,480, 3,778,058, Re. 28,507 and the application for reissue of U.S. Patent No. 3,659,285, unless otherwise specified.

inventions or subject matter of said patents.

(b) Sublicensing of any other party under said patents or the applications therefor.

(c) Licensing or sublicensing under any foreign patent or foreign patent application corresponding to said patents.

(d) Royalty or other payment made or collected in connection with or under said patents or any license relating thereto.

(e) The strengths and/or weaknesses of said patents.

(f) Infringement of said patents, or the possibility thereof, by any party.

(g) Misuse of said patents, or the possibility thereof, by either plaintiff.

(h) Antitrust violations, or the possibility thereof, by either plaintiff in the licensing or enforcement of said patents.

(i) Any other matters pertaining to said patents or the applications for said patents or any reissues thereof.

(j) Any other matters relating to the alleged inventions or subject matter of said patents.

(4) The investigation by Magnavox and/or Sanders of possible infringement of said patents and/or the examination of any video games in connection with such investigation.

(5) The examination by any of the named inventors of said patents or either plaintiff of any game or training device (or documents disclosing same) employing a cathode ray tube displaying at least two images to the viewer, operating with or without a raster scanning beam sweep of any type, and containing circuitry for detecting or responding to coincidence of the position of the images,

(a) prior to January 15, 1968.

(b) between January 15, 1968 and  
May 27, 1969.

(c) between May 27, 1969 and  
April 15, 1974.

(6) All drawings, circuit diagrams, written descriptions, notes, memoranda and other documents relating to the conception, reduction to practice, testing and development of the alleged inventions of said patents.

(7) The records mentioned by plaintiffs in their response to Interrogatory 11 of defendant CDI.

(8) The press release relating to the filing of this action issued by Magnavox, and notes, correspondence and any other documents relating thereto.

(9) Communications to any of the following persons relating to this action or to said patents:

- (a) Mr. Dimitri Allegretti  
Molinare, Allegretti, Newitt  
& Witcoff  
1400 LaSalle Bank Building  
135 South LaSalle Street  
Chicago, Illinois 60603
- (b) Mr. Richard C. Martin  
Brookes & Martin  
1 Boyne Park, Tunbridge Wells  
Kent TN4 8EL  
England
- (c) Alca Electronics, Ltd.  
Alca House  
Goddard Street  
Oldham OL 8 1LQ  
Lancashire  
England
- (d) Coughtrey's Automatic Supplies  
Limited  
Auto House, Derby Road  
Triumph Road, Lenton  
Nottingham  
England
- (e) London Coin Machines, Ltd.  
22-24 Bromells Road  
London SW4 OBQ  
England
- (f) Associated Leisure Sales, Ltd.  
Phonographic House  
The Vale  
London NW118SU  
England
- (g) Coin Concession Ltd.  
213 Longley Road  
London SW17  
England
- (h) Atari (U.K.) Ltd.  
29A Draycott Road  
Breaston, Derbyshire  
England

(10) The documents identified in plaintiffs' response to Interrogatory 15 of defendant CDI.

(11) All drawings and/or circuit diagrams of the alleged inventions of said patents made up to and including their respective reductions to practice.

(12) All documents offered by plaintiffs in plaintiffs' response to Interrogatory 32 of defendant CDI.

(13) The first disclosure of the alleged inventions of said patents by Sanders to a person not associated with Sanders.

(14) The disclosure and/or demonstration of the alleged inventions of said patents to the following companies and any agreements or communications or memoranda relating thereto:

- (a) Teleprompter Corporation
- (b) Merrimack Valley CATV
- (c) RCA Corporation
- (d) General Electric Company
- (e) Sylvania Electric Products, Inc.
- (f) Zenith Radio Corporation
- (g) Institute for Analytical Research
- (h) Motorola

(15) The first solicitation and the initial order for the sale of apparatus by plaintiffs embodying the alleged inventions of said patents.

(16) The initial delivery on any order for the sale of apparatus by plaintiffs embodying the alleged inventions of said patents.

(17) The documents identified in plaintiffs' response to Interrogatory 62 of defendant CDI.

(18) All prior art cited during the prosecution and examination of said patents and of all corresponding foreign patents and patent applications.

(19) (a) The patents and application identified Under A through U in plaintiffs' response to Interrogatory 81 of defendant CDI, and

(b) all other documents relating to the prosecution or examination of each such patent and application.

(20) Sales invoices and other records of Magnavox evidencing the monthly sales by units and dollar amounts of its apparatus embodying the alleged inventions of said patents from the initial sale to date.

(21) Business records of Magnavox evidencing the monthly advertising expenditures of Magnavox for its apparatus embodying the alleged inventions of said patents from the initial offer for sale or first advertisement, of such apparatus, whichever is earlier, to date.



(22) Business records of Magnavox evidencing the monthly sales expenditures (such as promotional expenses and commissions) of Magnavox for its apparatus embodying the alleged inventions of said patents from the initial offer for sale or first advertisement of such apparatus, whichever is earlier, to date.

(23) Business records of Magnavox showing numbers of units and times of manufacture of its apparatus embodying the alleged inventions of said patents from the initial manufacture of such apparatus to date, on a monthly basis.

(24) Business records and documents of Sanders Associates evidencing commercial success of the alleged inventions of:

- (a) Patent 3,659,284
- (b) Patent 3,659,285
- (c) Patent 3,728,480
- (d) Patent 3,778,058
- (e) Patent Re.28,507.

(25) The preparation, filing and prosecution of the application for reissue of Patent 3,659,285 and any other reissue applications relating to said patents.

(26) The work assignments of each of the named inventors of said patents, other than the alleged

inventions of said patents, prior to August 21, 1969 wherein such assignments involved or related to the use of a cathode ray tube (CRT) and circuitry for causing images to be displayed on the CRT and for detecting or responding to coincidence of such images.

(27) All schematic and production drawings and specifications for Magnavox Model No. 1TL200.

(28) All documents relating to the design, construction, operation, testing and demonstration of the Sanders' models referred to in Plaintiffs' Response to Defendant Midway's Interrogatory No. 56.

(29) All documents and things requested to be identified in "Defendant Midway's First Set of Interrogatories To Plaintiff Sanders Associates, Inc.

(Nos. 1 through 81)" and "Defendant Midway's First Set of Interrogatories To Plaintiff The Magnavox Company (Nos. 1 through 81)" and either identified or offered to be produced in plaintiffs' original and supplemental responses to such interrogatories, including Interrogatories Nos. 4, 5, 6, 7, 8, 9, 10, 11, 12a, b, c, d, e, 20, 22, 23, 42, 49, 56, 75, 76, 77, 78, 79, 80 and 81.

(30) All documents and things known to plaintiffs, dated or known prior to August 21, 1969, relating or referring to the use of a cathode ray tube (CRT) and

circuitry for causing images to be displayed on the CRT and for detecting or responding to coincidence of such images.

CERTIFICATE OF SERVICE

This is to certify that copies of the foregoing AMENDED  
NOTICE OF DEPOSITIONS were served on:

Theodore W. Anderson, Esq.  
Neuman, Williams, Anderson & Olson  
77 West Washington Street  
Chicago, Illinois 60602

Attorney for Plaintiffs

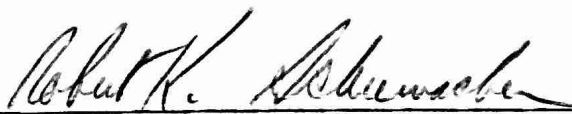
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Chicago, Illinois 60602

Attorney for Chicago Dynamic  
Industries, Inc.

Melvin M. Goldenberg, Esq.  
McDougal, Hersh & Scott  
135 South LaSalle Street  
Chicago, Illinois 60603

Attorney for Seeburg, Williams  
Electronics and World Wide  
Distributors

by messenger this 29th day of October, 1975

  
Attorney for Defendants, Bally,  
Empire and Midway